

**WASHINGTON COUNTY COMMISSION**  
**MEETING MINUTES**  
**DECEMBER 18, 2012**

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman Alan D. Gardner at 4:00 p.m. on December 18, 2012, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Chairman Alan D. Gardner, Commissioner James J. Eardley, Commissioner Dennis Drake, Washington County Administrator Dean J. Cox, Deputy County Attorney Eric Clarke, and Deputy County Clerk Christine Hall.

Commissioner Drake led the Pledge of Allegiance.

**AGENDA**

**CONSENT AGENDA:**

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor-Approved Claims for Payment for December 5, 2012, through December 18, 2012
- Consideration of Administrative Adjustments: Real Property (attached)
- Consideration of Administrative Adjustments: Personal Property (attached)
- Consideration of Applications for Property Tax Abatements: Enrique and Cynthia Agustin, S/N SG-WRR-5-44; Tim and Barbara King, S/N SG-SKE-23; Jeffrey and Mary Ann Nolte, A/N 0437932; and Susan Hicks, S/N WHS-2-109-SW
- Consideration of Renewal of County Seat Sponsorship Agreement with Washington County, Season 3
- Consideration of Washington County Holidays for 2013
- Consideration of Regular Commission Meeting Schedule for 2013
- Consideration of Re-Appointment of Washington County Constable Jean M. Dickson

**Actions of the Washington County Planning Commission Meeting / 12/11/12**

**Conditional Use Permit Extension:** Review permit to locate four (4) wind towers on state land within the OSC-20 zone near Anderson Junction; Jerry Eves/Southwest Wind Energy, applicant.

**Conditional Use Permit Extension:** Request permission for the "Zions 50 and 100 Ultra Marathon" within the County unincorporated areas from Virgin on SR-

9 to Gooseberry, looping around from Virgin to Kolob Terrace Road through Smith's Mesa, and ending at Virgin, a 100-mile run (36 hours) Friday, April 19, 2012. Matt Gunn, applicant.

**Conditional Use Permit Extension:** Request permission for Rocky Mountain Power to install a proposed 60 foot lattice tower within the OSC-20 zone, BLM land on Little Creek Mountain, located west of Apple Valley, adjacent to other cell tower locations; Rocky Mountain Power/Holly Groth and Mark Cox, applicants.

**Conditional Use Permit:** Request permission for the installation of the 345kV Transmission Project route through Washington County to Red Butte No. 2 and a staging area at the turnoff on Hwy 18 and Pinto; Rocky Mountain Power/Mark Cox, applicant.

**Conditional Use Permit:** Request permission for a "Redrock Half Relay" on March 9, 2013, beginning at Worthen Park in St. George, from Sunset Blvd. to Hwy 91 through Gunlock to Veyo along SR-18 and back to Worthen Park. Tim Collings, applicant.

**Conditional Use Permit:** Request permission to construct a compressor station in Central, where Questar is tied into the Kern River pipeline system, within the OST-20 zone. Questar, applicant; Tim Blackham, agent.

**Conditional Use Permit:** Request permission for a moving permit for a manufactured home from Hurricane to Veyo for a second dwelling for a family member within the A-10 zone; Kerry Lee, applicant.

**MOTION:** Motion by Commissioner Drake to Approve the Consent Agenda with the Exception of Application for Property Tax Abatement Serial Number SG-WRR-5-44, which is Denied. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

**REGULAR AGENDA ITEMS FOR CONSIDERATION:**

**FIRST PUBLIC HEARING: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**

**MOTION :** Motion by Commissioner Drake to Open the First Public Hearing for the Community Development Block Grant (CDBG). Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

Commissioner Gardner opened the public hearing for the CDBG program and stated that this hearing is being called to consider potential projects for which funding may be applied under the 2013 Community Development Block Grant Program. It was explained that the grant money must be spent on projects benefiting primarily low- and moderate-income persons. The Five County Association of Governments, in which Washington County is a member, is expecting to receive approximately six hundred twenty-five thousand four hundred and forty dollars (\$625,444) in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Guide, and interested persons can review it at any time. Commissioner Gardner read several of the eligible activities listed including, construction of public works and facilities, i.e. water and sewer lines; fire stations; and acquisition of real property such as food banks for homeless shelters. Also eligible are loan programs for private businesses that would then hire low-income persons and also pay for housing, rehabilitation for low-income homeowners, or persons owning rental housing for lower-income persons.

Commissioner Gardner indicated that in the past, Washington County has received four (4), which covered ADA improvements/Public Buildings for eighty thousand dollars (\$80,000) Enterprise Senior Center for forty-eight thousand six hundred and forty-six dollars (\$48,646), Gunlock Special Service District/Water for one hundred and fifty thousand dollars (\$150,000), and Hurricane Senior Center Meals on Wheel vehicles for one hundred forty-four thousand, one hundred and nine dollars (\$144,109). The city has handed out its capital investment plan as part of the regional "Consolidated Plan".

It is requested that anyone with questions, comments or suggestions during the hearing please identify yourselves by name, before speaking. The clerk will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing.

Trevor Coombs with the Washington County Clerk-Auditor's Office explained that he facilitates the CDBG program for those sponsored by the County. The program is administered through Five County Association of Governments (Five County), but Washington County is one of the sponsoring agencies. The money is earmarked for low- to moderate-income projects, such as the Council on Aging or the Food Bank. The money is given as a grant but cannot go towards operating costs or salaries. He said that he has been approached by three (3) groups who are looking for potential sponsors: Northwestern Special Service District (fire station near Gunlock); Angel Springs Special Service District in the Leeds area (culinary water line system); and the Utah Food Bank in St. George (refrigerated truck that will service outlying areas of the five-county region).

Commissioner Gardner then opened the meeting up to further suggestions from the audience. Seeing no one come forward, Commissioner Gardner closed the public hearing.

**MOTION: Motion by Commissioner Eardley to Close the First Public Hearing for the Community Development Block Grant (CDBG) for 2013. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley and Drake voting aye.**

**EMERGENCY SERVICES REPORT: SHERIFF CORY PULSIPHER**

Washington County Sheriff Cory Pulsipher said that during the month of December there have been two (2) Search and Rescue (SAR) call-outs: a father and son hiking in Goulds Wash were reported overdue but arrived home safely the following day; and a handicapped juvenile was reported missing in Washington City but was subsequently located.

Sheriff Pulsipher also reported that SAR held its annual banquet on December 12, 2012, at which the Board was recognized for its years of service to Washington County.

**PURCHASE REQUESTS / MARK BLANCH**

IT Department, wiring for UPS in server room .....	\$ 6,090.00
Building Maintenance, uninterruptible power supply .....	\$24,765.00
Dixie Center, underlayment for volleyball courts .....	\$19,295.00

*All purchases are budgeted, bonded, or paid for through grant funds.*

**MOTION: Motion by Commissioner Eardley to Approve the Purchase Requests. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.**

**PUBLIC HEARING: OPEN 2012 BUDGET; PRESENTATION OF FINAL 2013 BUDGET/ KIM M. HAFEN**

**MOTION: Motion by Commissioner Eardley to Open the Public Hearing to Open the 2012 Budget and the Presentation of the Final 2013 Budget. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.**

Washington County Clerk-Auditor Kim M. Hafen said that a Public Hearing was held on November 18, 2012, to present the Preliminary 2013 Budget. The final budget being presented today is nearly identical to the preliminary with only a few minor changes. A copy of the Final Budget may be obtained from the Office of the Clerk-Auditor.

One significant change was to move \$3.8 million to the Capital Projects Fund from the General Fund in accordance with appropriate bookkeeping procedures. Additionally, the County has been required to make increased retirement contributions to the State of Utah because of a change in State law.

Commissioner Gardner stressed that the change in property value will not result in an increase in property taxes.

**MOTION: Motion by Commissioner Eardley to Close the Public Hearing to Open the 2012 Budget and the Presentation of the Final 2013 Budget. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2012-1689, A RESOLUTION ADOPTING THE WASHINGTON COUNTY BUDGET FOR 2012 AND ADOPTING BY REFERENCE A SUMMARY AND ANALYSIS THEREOF**

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1689, A Resolution Adopting The Washington County Budget For 2012 And Adopting By Reference A Summary And Analysis Thereof. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2012-1688, A RESOLUTION ADOPTING THE WASHINGTON COUNTY BUDGET FOR 2013 AND ADOPTING BY REFERENCE A SUMMARY AND ANALYSIS THEREOF**

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1688, A Resolution Adopting The Washington County Budget For 2013 And Adopting By Reference A Summary And Analysis Thereof. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.**

**CONSIDERATION OF ORDINANCE NO. 2012-1026-O, AN ORDINANCE AMENDING THE WASHINGTON COUNTY ZONING ORDINANCE MAKING CLARIFYING CORRECTIONS**

Deputy Washington Attorney Eric Clarke said that the origin of this amendment to the County ordinance was during consideration of the Good Earth Minerals (GEM) mine issue several months ago. This amendment clarifies that the Land Use Authority is generally the Planning Commission; the appellate authority is the County Commission.

**MOTION:** Motion by Commissioner Drake to Adopt Ordinance No. 2012-1026-O, An Ordinance Amending The Washington County Zoning Ordinance Making Clarifying Corrections. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

**CONSIDERATION OF ORDINANCE NO. 2012-1027-O, AN ORDINANCE AMENDING THE DEFINITIONS OF KENNEL AND CATTERY IN THE COUNTY ZONING REGULATIONS IN ORDER TO CLARIFY THAT PROPERTY OWNERS ARE NOT LIMITED IN THE NUMBER OF HOUSEHOLD PETS THEY OWN**

Mr. Clarke said that the Planning Commission has been considering this issue for several months. Only catteries and kennels that are used for a commercial purpose will fall under this amendment, not household pets. The definitions of both of these terms (catteries and kennels) are more specifically delineated.

**MOTION:** Motion by Commissioner Drake to Adopt Ordinance No. 2012-1027-O, An Ordinance Amending The Definitions Of Kennel And Cattery In The County Zoning Regulations In Order To Clarify That Property Owners Are Not Limited In The Number Of Household Pets They Own. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

**CONSIDERATION OF ORDINANCE NO. 2012-1028-O, AN ORDINANCE AMENDING UTILITY AND DRAINAGE EASEMENT REQUIREMENTS IN THE SUBDIVISION REGULATIONS SECTION OF THE COUNTY CODE BY DELETING REQUIREMENTS OF SIDE AND BACK EASEMENTS AND ALLOWING FOR WIDER FRONT EASEMENTS IF NECESSARY**

Mr. Clarke said that the County Engineer proposed this amendment, which the Planning Commission recommended for approval. Planner Deon Goheen said that the new easement requirements will not affect the setback requirements currently in place.

**MOTION:** Motion by Commissioner Drake to Adopt Ordinance No. 2012-1028-O, An Ordinance Amending Utility And Drainage Easement Requirements In The Subdivision Regulations Section Of The County Code By Deleting Requirements Of Side And Back Easements And Allowing For Wider Front Easements If Necessary. Motion seconded

**by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2012-1687, A RESOLUTION APPOINTING AND RE-APPOINTING MEMBERS TO THE WASHINGTON COUNTY WATER CONSERVANCY DISTRICT ADMINISTRATIVE CONTROL BOARD**

There are three (3) vacancies on this Board due to the expiration of terms of Jim Ence (representing the Santa Clara area), Howard Bracken (Enterprise area), and Tom Hirschi (Hurricane) on December 31, 2012. Commissioner Eardley said that in the interest of countywide representation on the Water Conservancy District, and considering the fact that these gentlemen have served the county well in those positions, he recommends reappointment. Commissioner Drake added that several other applications were received and considered from qualified individuals. Additionally, the Commission has consulted the mayors of those respective communities, who support those re-appointments.

**MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2012-1687 and Re-Appoint Jim Ence, Howard Bracken, and Thomas Hirschi to the Water Conservancy District Administrative Control Board, with terms to expire December 31, 2016. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2012-1690, A RESOLUTION REAPPORTIONING SCHOOL BOARD DISTRICT BOUNDARIES**

Mr. Hafen said that the Clerk-Auditor's Office has been working on the re-apportionment of seven (7) school district boundaries in order to equalize the representation by population.

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1690, a Resolution Reapportioning School Board District Boundaries. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2012-1691, A RESOLUTION APPOINTING A MEMBER TO THE COUNCIL ON AGING ADVISORY BOARD**

Commissioner Eardley recommended the appointment of Judy Tuckett to replace Aneita Millett on this Advisory Board.

**MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2012-1691, a Resolution Appointing Judy Tuckett to the Council on Aging Advisory Board, with a term to expire December 31, 2014. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.**

#### **CONSIDERATION OF SELECTION OF COMMISSION CHAIRMAN FOR 2013**

Commissioner Dennis Drake nominated Commissioner James J. Eardley to serve as Chairman of the Board of Commissioners for 2013.

**MOTION: Motion by Commissioner Drake to Select Commissioner James J. Eardley to serve as Chairman of the Board of Commissioners for 2013. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.**

#### **COMMISSIONERS' REPORT**

Commissioner Drake expressed condolences to the family of retired Colonel Nelson Whitmire, who recently died. He was a member of the Administrative Control Board for the Southern Utah Shooting Sports Park Special Service District. Col. Whitmire was a fine gentleman who served that group very well, and he will be missed.

#### **PUBLIC WORKS OR ROAD BUSINESS**

Washington County Public Works Director Ron Whitehead reported that there is currently one (1) active Natural Resources Conservation Service (NRCS) project, rebuilding some drainage culverts on Old Highway 91 on the Shivwits Indian Reservation. There is a slow speed limit in effect and he cautioned the public to proceed with caution. That project should be finished by the end of the month.

Additionally, bids have been received for the purchase of a 140M2 Caterpillar Grader. The low bid is from Wheeler Machinery in the amount of two hundred and thirty-five thousand, three hundred and ninety dollars (\$235,390.00), and he requested approval of that purchase by the Commission.

**MOTION: Motion by Commissioner Drake to Approve the Purchase of a 140M2 Caterpillar Grader from Wheeler Machinery in the amount of two hundred and thirty-five thousand, three hundred and ninety dollars (\$235,390.00). Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.**



**COUNTY PERSONNEL BUSINESS: CONSIDERATION OF REVISION TO  
WASHINGTON COUNTY POLICY AND PROCEDURES MANUAL, D:  
OUTSIDE EMPLOYMENT OR ACTIVITIES**

Administrator Dean Cox explained that issues concerning outside employment of county employees occasionally arise. This policy now reads: "County employees may not engage in any outside employment or activities that impair the performance of their duties, are detrimental to the County service, or create the potential for actual conflict of interest with their County employment. . . "

**MOTION: Motion by Commissioner Eardley to Approve the Revision to the Washington County Policy and Procedures Manual, D: Outside Employment or Activities. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.**

**Request A Closed Session**

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:50 p.m.

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CHRISTINE S. HALL  
DEPUTY CLERK

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ALAN D. GARDNER  
CHAIRMAN